

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEAN PIERRE REY and ILZE
SILARASA,

Plaintiffs,

v.

MICHEL REY, et al.,

Defendants.

CASE NO. C14-5093 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS' PETITION FOR
AN AWARD OF FEES AND
COSTS

This matter comes before the Court on Defendants Defendants Builders Surplus Northwest Inc., Nevawa, Inc., Michel Rey, Renee Rey, US Growing Investments, Inc., US Investment Group Corporation, and Visitrade, Inc. ("Defendants") petition for an award of fees and costs (Dkt. 79).


On August 12, 2014, the Court granted Defendants' request for fees and costs because Plaintiffs Jean Pierre Rey and Ilze Silarasa ("Plaintiffs") improperly filed lis pendens. Dkt. 78. On August 28, 2014, Defendants filed the instant petition. Dkt. 79.

1 On September 3, 2014, Plaintiffs responded. Dkt. 81. On September 5, 2014,
2 Defendants replied. Dkt. 84.

3 In this case, Plaintiffs object to Defendants' request for costs and request for future
4 damages. With regard to the former, Defendants are entitled to their costs. *Szmania v.*
5 *Countrywide Homes Loans, Inc.*, 160 Wn. App. 1002, *7 ("Thus, under RCW
6 4.28.328(2) . . . the plaintiff must pay the defendant's attorney fees and costs."). With
7 regard to the latter, the Court agrees with Plaintiffs that the Court's order and removal of
8 the lis pendens should end the matter, and the Court declines to grant Defendants an open
9 ended option to file a motion for future damages. Therefore, the Court grants in part and
10 denies in part Defendants' petition and awards Defendants \$14,386.17 in fees and costs.

11 **IT IS SO ORDERED.**

12 Dated this 10 day of September, 2014.

13 
14 BENJAMIN H. SETTLE
United States District Judge
15
16
17
18
19
20
21
22